



0000088916

ORIGINAL

BEFORE THE ARIZONA CORPORATION

RECEIVED

Arizona Corporation Commission

DOCKETED

SEP 25 2008

COMMISSIONERS

MIKE GLEASON, Chairman
 WILLIAM A. MUNDELL
 JEFF HATCH-MILLER
 KRISTIN K. MAYES
 GARY PIERCE

2008 SEP 25 A 10:36

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

mm

IN THE MATTER OF THE JOINT
 APPLICATION OF ACCIPITER
 COMMUNICATIONS, INC. AND
 QWEST CORPORATION FOR
 ACCIPITER TO EXTEND ITS
 CERTIFICATE OF CONVENIENCE
 AND NECESSITY AND TO DELETE A
 PORTION OF ITS CERTIFICATE OF
 CONVENIENCE AND NECESSITY IN
 FAVOR OF QWEST AND FOR
 QWEST TO EXTEND ITS SERVICE
 AREA AND DELETE A PORTION OF
 ITS SERVICE AREA IN FAVOR OF
 ACCIPITER.

DOCKET NO. T-02847A-08-0164

DOCKET NO. T-01051B-08-0164

**ACCIPITER'S COMMENTS
 REGARDING THE STAFF REPORT
 DATED SEPTEMBER 15, 2008**

Snell & Wilmer

LLP
 LAW OFFICES
 One Arizona Center, 400 E. Van Buren
 Phoenix, Arizona 85004-2202
 (602) 382-6000

Pursuant to the July 30, 2008, Procedural Order, Accipiter Communications, Inc., dba Zona Communications ("Accipiter"), through counsel undersigned, hereby files its comments¹ to the Utilities Division's Staff Report dated September 15, 2008 ("Staff Report") in the above-captioned matter.

Accipiter supports the Staff Report and the recommendations and conclusion contained therein.² However, page 3 of the Staff Report states:

Staff would note that the area code for the Zona Extension Area would change from 623 to 928 but this would have no effect on the scope of the local calling area for future customers as Accipiter's exchanges are part of the Phoenix local calling areas.

Accipiter hereby requests that the Commission permit the Zona Extension Area to remain in the 623 area code for the following reasons:

...

¹ The July 30, 2008, Procedural Order required that any objections to the Staff Report be filed on or before October 3, 2008.

² See Staff Report, Recommendations and Conclusion, pages 6 and 7.

1 1. The developer/property owner of the Lake Pleasant Exchange that requested
2 local exchange service from Accipiter also requested that the Zona Extension Area remain
3 within the 623 area code. A copy of a letter sent by the developer to the Arizona
4 Corporation Commission is attached as Attachment A.

5 2. The Zona Extension Area is currently located within Qwest's Circle City
6 Exchange, which is in the 623 area code.

7 3. Zona already has the South Lake Pleasant Exchange operating with 623
8 telephone numbers. Consequently, Accipiter will not have any difficulties provisioning
9 the 623 area code from a technical and operational perspective.

10 4. There would not be a restriction on number portability between the
11 Accipiter and Qwest service areas.³

12 5. The residents in the proposed Lake Pleasant 5000 development will most
13 likely do business primarily with the population along the U.S. 60 corridor, which is in the
14 623 area code.

15 6. Accipiter has experienced the following difficulties with its 928 area code
16 telephone numbers:

17 a. Businesses in the Phoenix metro area that do not keep their
18 PBX up to date will fail to complete calls to Accipiter's 928
19 customers because the equipment does not recognize the number as
20 local.

21 b. Accipiter's 928 customers are often initially confused about
22 their ability to call Phoenix numbers (623, 602, and 480) locally. If
23 they try to complete a call using 1+ dialing, the call will not go
24 through.

25 c. Residents in the Phoenix metro area often try to dial 1+ to
26 reach Accipiter's 928 customers, often resulting in a "cannot be
27 completed as dialed" recording and adding to the confusion.

28 ³ See Staff Report, page 3, footnote 10.

d. Accipiter's customers are sometimes confused about their inability to be able to call *all* of the 928 area code as a local call. Many customers assume that since they have a 928 area code, they can call *all* other 928 telephone numbers in northern Arizona without dialing 1+ for long distance, which is not the case.

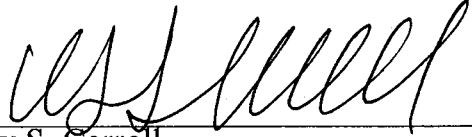
Accipiter has discussed this matter with Qwest, and Qwest has indicated that it has no objection to this request.

On the basis of the foregoing, Accipiter hereby requests that the Commission's final Order contain an ordering paragraph permitting the Zona Extension Area to remain in the 623 area code.

RESPECTFULLY SUBMITTED this 25th day of September, 2008.

SNELL & WILMER L.L.P.

By


Bradley S. Carroll
Jeffrey W. Crockett
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202
Attorneys for Accipiter Communications, Inc.

ORIGINAL and 15 copies filed this 25th day of September, 2008, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85004

COPIES of the foregoing hand-delivered this 25th day of September, 2008, to:

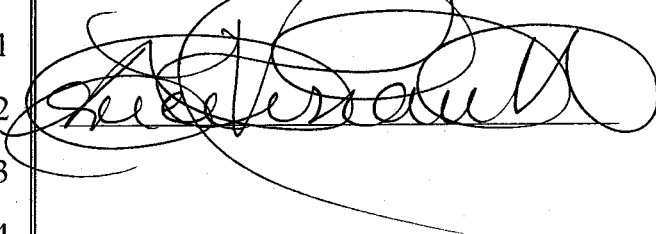
Richard Boyles, Utilities Engineer
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85004

1 Maureen Scott, Staff Attorney
Legal Division
2 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
3 Phoenix, Arizona 85004

4 Sarah N. Harpring, Administrative Law Judge
ARIZONA CORPORATION COMMISSION
5 1200 West Washington Street
Phoenix, Arizona 85004

6
7 COPY of the foregoing mailed and e-mailed
this 25th day of September, 2008, to:

8 Norman G. Curtright, Esq.
QWEST CORPORATION
9 20 E. Thomas Road, 16th Floor
Phoenix, AZ 85012
10 Attorney for Qwest Corporation

11
12 
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Attachment A

HARVARD INVESTMENTS
A HILL COMPANY

September 18, 2008

Arizona Corporation Commission
Consumer Service Section
1200 West Washington
Phoenix, Arizona 85007

Re: Docket Nos. T-02847A-08-0164 et al.

To whom it may concern;

Lake Pleasant 5000 LLC is a property owner in the area identified in the above referenced docket as the "Zona Extension Area." We are currently planning a development for up to 8,500 homes on our property in this area. As such, we wish to express our concern that the Zona Extension Area remain in the 623 area code rather than the 928 area code. We believe this is in the public interest because:

- Most of northern Arizona is in the 928 area code which is primarily long distance calling between the Phoenix metropolitan area. We understand that only a small subset of 928 phone numbers share local calling to the Phoenix metro, thus creating confusion to the public in discerning between local 928 numbers and long-distance 928 numbers.
- The area is currently located in the City of Surprise General Planning Area. The future residents and businesses of our development are most likely to identify with the residential and business population in the Surprise GPA along the US-60 corridor, which is in the 623 area code.

We understand that Accipiter/Zona does not have an objection to keeping the Zona Extension Area as it currently exists within the 623 area code. We respectfully request that the Arizona Corporation Commission keep the Zona Extension Area within the 623 area code.

Please feel free to contact me with any questions.

Sincerely,

Christopher J. Cacheris
Vice President

C: Patrick Sherrill, President of Zona Communications